

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 32 and 43 are rejected under 35 U.S.C. 112, first paragraph, on the ground that the specification does not enable a person skilled in the art to prepare a composition for the prevention, or prevention of exacerbation of any of the recited skin diseases. It is believed that this rejection is overcome by the foregoing amendment deleting from these claims the terms “prevention” and “prevention of exacerbation”, so that the claims recite a composition only for “the treatment” of the stated diseases.

Claims 23-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Madrange and Ikemoto et al. as evidenced by Pearson et al. Before discussing the references, it is noted that although the rejection is applied to claims 23-47, the examination in the Office Action was limited to compositions comprising L-arginine, ethanolamine, 1,3-butyleneglycol, and an antiphlogistic agent, because of the previous election of species.

Yoshioka et al. discloses hair and skin cosmetic compositions comprising a silylated peptide which may also contain L-arginine, an anti-inflammatory (antiphlogistic) agent and a wetting agent such as 1,3-butyleneglycol. There is no mention in Yoshioka et al. of the presence of any free ethanolamine in the disclosed composition.

Madrang et al. teaches cosmetic compositions for dyeing or bleaching hair which may contain, in addition to many other components, an alkalizing agent such as ethanolamine.

Ikemoto et al. discloses an emulsion-type cosmetic composition containing a surfactant comprising a trehalose-6-fatty acid ester and which may also contain a polyvalent alcohol such as 1,3-butyleneglycol.

Pearson et al. teaches that L-arginine can be obtained from rice.

As stated in the Office Action, the rejection under 35 U.S.C. 103(a) is apparently based on the conclusion that since Yoshioka et al., Madrang et al. and Ikemoto et al., all disclose compositions that can be applied to the skin, they all are useful for the same purpose, and that it would therefore be obvious to add any of the components of the compositions of Madrang et al. or Ikemoto et al., particularly the ethanolamine disclosed by Madrang et al., to the composition of Yoshioka et al. The Office Action also concludes that since L-arginine may be obtained from rice as taught by Pearson et al., L-arginine itself may be considered a "rice preparation." In reply to this position in support of the rejection, the following points should be considered.

The compositions disclosed by Yoshioka et al. and Madrang et al. cannot be considered as useful for the same purpose merely because they both may be applied to the skin. Thus, Yoshioka et al. discloses cosmetic compositions broadly while the application of the compositions of Madrang et al. is limited to the dyeing or

bleaching of hair. In view of this, a person having ordinary skill in the art would not be led to add the ethanolamine of Madrange et al. to the composition of Yoshioka et al.

Even if it assumed that the compositions of these two references are useful for the same purpose, it cannot be assumed that ethanolamine used as an alkalizing agent in the complex composition of Madrange et al. (col 12, line 48, claim 15) would be useful for the same purpose in the substantially different composition of Yoshioka et al. This would further militate against the addition of ethanolamine to the composition of Yoshioka et al.

In addition to the foregoing factors working against the addition of the ethanolamine of Madrange et al. to the composition of Yoshioka et al., the elected composition of the presently claimed invention comprising L-arginine, ethanolamine, dipotassium glycyrrhetinate as an antiphlogistic agent, and 1,3-butyleneglycol has a significant improvement effect in the treatment of atopic dermatitis. This is shown in the chemical test results described in Test Example 13 on pages 46-49 and Test Example 14 on pages 49-51 of the specification, and is further discussed on pages 10 and 11 of the Amendment mailed to the USPTO September 3, 2006. It is submitted that this is an unobvious result which further supports the patentability of the elected composition over the relied on references.

Finally, with regard to the claims reciting a "rice preparation", there is no support for the statement in the Office Action that since L-arginine is found in rice,

the compound itself should be considered a rice preparation, presumably without regard to its source. Rather, the term "rice preparation" should be limited to something actually prepared from rice.

This application is now thought to be in condition for allowance and such action at an early date is earnestly solicited.

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a three month extension of time for responding to the Office Action. The fee of \$1,020.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

Docket No. F-7995

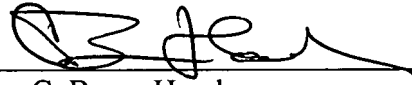
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Respectfully submitted,

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